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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,063	12/08/2005	Aharon Hazut	7640-X05-045	9653

27317 7590 12/24/2008

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EXAMINER	
MCEVOY, THOMAS M	

ART UNIT	PAPER NUMBER
3731	

MAIL DATE	DELIVERY MODE
12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/560,063	HAZUT ET AL.	
	Examiner	Art Unit	
	THOMAS MCEVOY	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9 and 14-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9 and 14-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/22/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7, 9 and 14-24 are currently pending and considered below. Claims 8 and 10-13 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 9, 14-18, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malodobry (US 2004/0111107) in view of Auguste et al. (US 6,375,977).

Malodobry discloses a method of removing pigments from the skin via a tissue-puncturing device (tattoo device) while injecting an aqueous solution into the pigmented area of skin (Paragraph 46). The needles are hollow or solid (Paragraph 43) with suction means. Malodobry also discloses the use of a saline solution to be introduced to the skin (Paragraph 52).

Malodobry does not disclose providing a pad capable of drawing the liberated pigments from a dermal layer of the skin and bandaging the skin, applying antiseptic or antibiotic materials, and wherein the pad contains one or more materials capable of accelerating the process of migration. Auguste et al. teach that an absorbent pad (col. 8, lines 40-41, lines 63-67; col. 9, lines 21-25) can be used for dressing a wound including antiseptic and/or antibiotics (col. 8, lines 49-50). The pad contains one or

more materials adapted to accelerate the rate of absorption (or migration) within the first few hours in order to minimize the inflammatory process of healing (col. 2, lines 1-15). The material can be paste-like (col. 4, lines 25-36 and elsewhere) and contain salts including saline (col. 6, line 54). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Malodobry's removal method with the Auguste et al. absorbent pad in order to minimize the inflammatory process of healing after the skin is punctured. Removing the pad before damage or saturation occurs is also obvious. Such a modification would provide a means to absorb fluids exiting the wound including blood, ink, and other biological fluids. Antibiotics and antiseptics prevent the spread of infection. Obviously the pad will eventually be removed at some point. It should be removed before damage occurs and/or to avoid patient discomfort which may arise from the use of the chemicals disclosed by Auguste et al. Also, the pad should be removed before saturation so that it can absorb more fluid. Doing this before complete saturation prevents over saturation and a general ineffectiveness of the pad.

The use of a pad capable of absorbing the claimed amount of debris is considered obvious to a person having ordinary skill in the art. A person having ordinary skill would be able to modify the pad to absorb the debris and material from the wound as necessary. This would simply involve including more absorbent material or less absorbent material in the pad as needed. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the

Auguste et al. pad to include the desired amount of absorption. Such a modification would ensure that the pad absorbed the fluids as required.

3. Claims 7, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malodobry (US 2004/0111107) in view of Auguste et al. (US 6,375,977) as applied to claims 6 and 18 above, and further in view of Garitano et al. (US 2004/0158196).

Malodobry and Auguste et al. disclose the invention substantially as claimed as stated above. They do not disclose performing the suction of the pigments from said punctured skin with the suction means prior to the bandaging of the punctured skin and during the puncturing of said skin. Garitano teaches the suction of a solution provided for the removal of tattoos (paragraph 0023). Performing this step during the puncturing step would have been obvious to a person having ordinary skill in the art because prior to this step, there is no fluid to be suctioned. Also, performing this step prior to bandaging would have been obvious because after bandaging, the suction step would not be easily performed. Furthermore, the Examiner notes that no specific advantage was provided for the ordering of these steps so it is considered within the purview of one having ordinary skill in the art to rearrange the order of steps (see MPEP 2144.04 IV C). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the Malodobry and Auguste et al. removal steps to include Garitano's suction step. Such a modification would draw fluid from the tattoo to further aid in the removal of the pigments.

Response to Amendment

4. The declaration under 37 CFR 1.132 filed September 22nd 2008 has been considered but is moot in view of the new grounds of rejection.

Response to Arguments

5. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas McEvoy whose telephone number is (571) 270-5034. The examiner can normally be reached on M-F, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571) 272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TM

/Todd E Manahan/
Supervisory Patent Examiner, Art Unit 3731